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**MAR 16 2006**

**OFFICE OF PETITIONS**

In re Application of :  
James Larry Jones :  
Application No. 09/862,910 : DECISION ON PETITION  
Filed: May 22, 2001 : UNDER 37 C.F.R. §1.137(b)  
Attorney Docket No. 67,010- :  
006/H2603-Sundyne :  
Title: TUBE TYPE HEAT EXCHANGER :  
WITH MOTOR OR GENERATOR HOUSING :  
:

This is a decision on the petition filed January 23, 2006, pursuant to 37 C.F.R. §1.137(b)<sup>1</sup>, to revive the above-identified application.

The above-identified application became abandoned due to the September 28, 2005 decision of the Board for Patent Appeals and Interferences which upheld the Examiner's rejections. Accordingly, the above-identified application became abandoned on November 29, 2005, the expiration of the period for seeking judicial review of this decision<sup>2</sup>. A Notice of Abandonment was mailed on January 13, 2006.

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<sup>1</sup> A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

<sup>2</sup> See MPEP § 1216.

With this petition, Petitioner has submitted the petition fee, as well as the proper statement of unintentional delay. Petitioner has also made reference to the filing of a divisional application, application number 11/290,251, filed on November 30, 2005.

As such, this petition under 37 C.F.R. §1.137(b) is **GRANTED**.

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of divisional Application No. 11/290,251.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



**Paul Shanowski**  
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**Office of Petitions**  
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